

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HOLBROOK,

Petitioner,

Civil No. 2:21-CV-12579

v.

HONORABLE NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

STATE OF MICHIGAN,

Respondent,

/

**OPINION AND ORDER DISMISSING THE PETITION
FOR WRIT OF HABEAS CORPUS**

Petitioner, Charles Holbrook, confined at the St. Louis Correctional Facility in St. Louis, Michigan, filed a petition for relief, which is construed as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, because petitioner challenges his state court convictions. The case was originally filed in the United States District Court for the Northern District of California but was transferred to this Court.¹ For the reasons that follow, the petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

Petitioner previously filed a petition for a writ of habeas corpus challenging his convictions out of the Kent County Circuit Court, which was denied on the merits. See *Holbrook v. Rapelje*, No. 2:13-cv-13137 (E.D. Mich. April 1, 2016)(Friedman, J.).

¹ Petitioner does not specify his convictions. The Michigan Department of Corrections' Offender Tracking Information System (OTIS), which this Court is permitted to take judicial notice of, See *Ward v. Wolfenbarger*, 323 F. Supp. 2d 818, 821, n. 3 (E.D. Mich. 2004), indicates that petitioner was convicted in the Kent County Circuit Court in 2010 of two counts of producing child sexually abusive material, two counts of allowing a child to engage in sexually abusive activity, two counts of possessing child sexually abusive material, accosting a child for immoral purposes, felon in possession of a firearm, and being a third habitual offender. **Error! Main Document Only.**

Petitioner continues to file successive habeas petitions, all of which have been transferred to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 2244(b)(3) for that court to determine whether or not to grant petitioner permission to file a successive habeas petition. The Sixth Circuit has repeatedly denied petitioner permission to file a successive habeas petition. See *In re Holbrook*, No. 18-2109, 2019 U.S. App. LEXIS 4730 (6th Cir. Feb. 15, 2019); *In re Holbrook*, No. 17-2242, 2018 U.S. App. LEXIS 7196 (6th Cir. Mar. 21, 2018); *In re Holbrook*, No. 17-2327, 2018 U.S. App. LEXIS 7192 (6th Cir. Mar. 21, 2018); *In re Holbrook*, No. 17-1950, 2018 U.S. App. LEXIS 67 (6th Cir. Jan. 2, 2018); *In re Holbrook*, No. 17-1839, 2018 U.S. App. LEXIS 64 (6th Cir. Jan. 2, 2018); *In re Holbrook*, No. 17-1540, 2017 U.S. App. LEXIS 19555 (6th Cir. Oct. 5, 2017); *In re Holbrook*, No. 17-1518, 2017 U.S. App. LEXIS 19045 (6th Cir. Oct. 2, 2017); *In re Holbrook*, No. 17-1444, 2017 U.S. App. LEXIS 19044 (6th Cir. Oct. 2, 2017).

Petitioner has also attempted unsuccessfully to challenge his conviction under 42 U.S.C. § 1983. See *Holbrook v. Pols*, 17-292, 2017 WL 3821487, 2017 U.S. Dist. LEXIS 143300 (W.D. Mich. May 18, 2017); *Holbrook v. Pols*, No. 16-237, 2017 U.S. Dist. LEXIS 143303 (W.D. Mich. Jan. 30, 2017); *Holbrook v. Pols*, No. 16-1151, 2016 WL 7383400, 2016 U.S. Dist. LEXIS 176450 (W.D. Mich. Dec. 21, 2016); *Holbrook v. Redford*, No. 16-829, 2016 WL 6275338, 2016 U.S. Dist. LEXIS 148880 (W.D. Mich. Oct. 27, 2016); *Holbrook v. Pols*, No. 16-118, 2016 U.S. Dist. LEXIS 189409 (W.D. Mich. June 24, 2016); *Holbrook v. Pols*, No. 16-78, 2016 U.S. Dist. LEXIS 189414 (W.D. Mich. May 31, 2016); *Holbrook v. Haehnel*, No. 16-19, 2016 WL 1156598, 2016 U.S. Dist. LEXIS 38207 (W.D.

Mich. Mar. 24, 2016); *Holbrook v. Pols*, No. 15-170, 2016 WL 491254, 2016 U.S. Dist. LEXIS 15520 (W.D. Mich. Feb. 9, 2016).

Because of these repeated filings, Judge Laurie J. Michelson ruled that petitioner was an abusive filer and enjoined him from filing any additional cases in the Eastern District of Michigan unless he obtained permission from the United States Court of Appeals for the Sixth Circuit to file a successive petition or permission from the Chief Judge of our district to file any pleadings which challenge his conviction. See *Holbrook v. State of Michigan*, No. 2:20-10205 (E.D. Mich. June 15, 2020)(**ECF No. 41**).

Petitioner has failed to obtain the permission required under Judge Michelson's order to proceed with this case. Petitioner is enjoined from filing this petition for writ of habeas corpus and the petition is dismissed. See e.g. *Edwards v. Johns*, 450 F. Supp. 2d 755, 757 (E.D. Mich. 2006)(collecting cases); See also *In re Holbrook*, No. 2:21-CV-11487, 2021 WL 4053184, at * 2 (E.D. Mich. Aug. 5, 2021).

ORDER

IT IS ORDERED that the petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

s/ Nancy G. Edmunds
HON. NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

Dated: December 2, 2021